

HOUSE BILL NO. 623

INTRODUCED BY G. MACLAREN

A BILL FOR AN ACT ENTITLED: "AN ACT GIVING AUTHORITY TO SCHOOL DISTRICT TRUSTEES TO DECIDE ON WHAT KIND OF ROAD A BUS ROUTE WILL BE ALLOWED; REQUIRING THE COUNTY TRANSPORTATION COMMITTEE TO CONSIDER THE TRUSTEES' DECISION IN APPROVING BUS ROUTES; AND AMENDING SECTIONS 20-10-126 AND 20-10-132, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-10-126, MCA, is amended to read:

"20-10-126. Establishment of transportation service areas. (1) The territory of a transportation service area is the territory of a school district unless the county transportation committee approves alternative boundaries after determining that the adjustments will improve pupil safety, transportation efficiency, or the cost-effectiveness of the pupil transportation system of the county. The trustees of a school district may decide if a bus route within its transportation service area will be allowed over a road that is not maintained by the state or a local government.

(2) A district may not extend a bus route to transport pupils from outside its transportation service area unless the district has a written agreement with the district that the county transportation committee has assigned to transport the pupils.

(3) When the trustees of two or more districts enter into a written agreement to authorize transportation services among transportation service areas, a copy of the agreement must be submitted to the county superintendent and approved by the county transportation committee. Upon approval by the committee, the transportation agreements are valid for the current school year.

(4) The trustees of any district who object to a particular bus route or transportation service area to which the district has been assigned may request a transfer to another bus route or transportation service area. The county transportation committee may transfer the territory of the district to an adjacent transportation service area or approved bus route with the consent of the district providing transportation in the adjacent transportation service area.

(5) The trustees of any district who object to a bus route operated by another district may bring that

1 route to the attention of the county transportation committee. If the committee agrees that the district is operating
2 a portion of its route as an unapproved route outside of its district boundaries, the committee shall file with the
3 district a written warning concerning the unapproved route, and if the district, in spite of the warning, continues
4 to operate the route, the committee may withdraw its approval of the entire route.

5 (6) If the qualified electors of the district object to the decision of the county transportation committee
6 and the adjacent district is willing to provide school bus service, 20% of the qualified electors, as prescribed in
7 20-20-301, may petition the trustees to conduct an election on the proposition that the territory of the district be
8 transferred for pupil transportation purposes to the adjacent transportation service area. If a satisfactory petition
9 is presented to the trustees, the trustees shall call an election on the proposition in accordance with 20-20-201
10 for the next ensuing regular school election day. The election must be conducted in accordance with the school
11 election laws. If a majority of those voting at the election approve the transfer, the transfer is effective on July
12 1 of the ensuing school fiscal year.

13 (7) Unless a transfer of territory from one transportation service area or approved bus route to another
14 area or bus route is approved by the superintendent of public instruction and the county transportation
15 committee, the state transportation reimbursement is limited to the reimbursement amount for pupil
16 transportation to the nearest operating public elementary school or public high school, whichever is appropriate
17 for the affected pupils."

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19 **Section 2.** Section 20-10-132, MCA, is amended to read:

20 **"20-10-132. Duties of county transportation committee.** (1) It is the duty of the county transportation
21 committee to:

22 (a) establish the transportation service areas within the county, without regard to district boundary lines,
23 for each district that operates a school bus transportation program;

24 (b) except as provided in subsection (2), approve, disapprove, or adjust the school bus routes submitted
25 by the trustees of each district in conformity with the transportation service areas established in subsection
26 (1)(a);

27 (c) approve, disapprove, or adjust applications, approved by the trustees, for increased reimbursements
28 for individual transportation because of isolated conditions of the eligible transportee's residence;

29 (d) conduct hearings to establish the facts of transportation controversies that have been appealed from
30 the decision of the trustees and act on the appeals on the basis of the facts established at the hearing; and

1 (e) determine if geographic conditions make it impractical for a child to attend school in the district of
2 residence, in accordance with 20-5-321(1)(b).

3 (2) In an emergency situation, a temporary bus route change may be approved by the county
4 superintendent. A bus route change approved by the county superintendent must be confirmed by the county
5 transportation committee within 30 days in order to be continued for a period longer than 30 days.

6 (3) When the county transportation committee reviews a request for a new bus route or a change to an
7 existing route, the committee shall consider the following:

8 (a) a map of the existing and proposed bus route;

9 (b) a description of turnarounds;

10 (c) conditions affecting safety;

11 (d) the total mileage and change in mileage of the affected bus route;

12 (e) the approximate total cost;

13 (f) reasons for the proposed bus route change;

14 (g) the number of children to be served;

15 (h) a copy of the official minutes of the meeting at which the school trustees approved the new bus route
16 or route change;

17 (i) a decision by the district trustees to not allow a bus route on a road that is not maintained by the state
18 or a local government; and

19 ~~(j)~~(i) any other information that the county transportation committee considers relevant.

20 (4) When an application for increased reimbursement for individual transportation is presented to the
21 county transportation committee, it must include a signed individual transportation contract and a copy of the
22 official minutes of the meeting at which the trustees acted upon the request for increased reimbursement.

23 (5) After a factfinding hearing and decision on a transportation controversy, the trustees or a patron of
24 the district may appeal the decision to the superintendent of public instruction who shall issue a decision on the
25 basis of the facts established at the county transportation committee hearing."

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